Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-9797 Fax: 571-273-0042 Paper 1 Entered: June 29, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Human Genome Sciences Inc.,

Junior Party,
(Application 11/537,681,
Inventors: Ying-Fei Wei, Brent L. Kreide, and
Craig A. Rosen),

v. ·

Wei Wang, Kurt C. Gish, Thomas J. Schall, Alain Vicari, and Albert Zlotnik, Senior Party, (Patent 6,723,520).

Patent Interference 105,697 (RES) Technology Center 1600

DECLARATION – 37 CFR §41.203(d)

- An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application(s), patent (if any), reissue application
- 3 (if any), count and claims designated as corresponding or as not corresponding to
- 4 the count appear in Parts E and F of this DECLARATION.

1	Part A. Judge managir	ng the interference	
2	Administrative Patent Ju	dge Richard E. Schafer has been designated to	
3	manage the interference. 37 CF	FR § 41.104(a).	
4	Part B. Standing order	•	
5	A Trial Section STAND	ING ORDER [SO] (Paper 2) accompanies this	
6	DECLARATION. The STANI	DING ORDER applies to this interference.	
7	Part C. Initial conferen	nce call	
8	A telephone conference	call to discuss the interference is set for 4:00 p.m.	
9	on August 25, 2009 (the Board	I will initiate the call).	
10	No later than two busine	ess days prior to the conference call, each party shall	
11	file and serve (SO ¶¶ 10.1 & 10	05) a list of the motions (37 CFR § 41.120 & 204;	
12	SO ¶¶ 104.2.1, 120 & 204) the party intends to file.		
13	A time periods for taking action during the motion phase are set in an order		
14	accompanying this declaration.		
15	Part D. Identification and order of the parties		
16	Junior Party		
17 18 19	Named inventors:	Ying-Fei Wei, Berkley, CA Brent L. Kreide, Bedford, MA Craig A. Rosen, Laytonsville, MD	
20	Involved Application:	11/537,681 filed October 2, 2006	
21	Title:	Antibodies to Chemokine Beta-15	
22	Assignee:	Human Genome Sciences, Inc.	
23	Senior Party		
24 25 26 27	Named Inventors:	Wei Wang, Palo Alto, CA Kurt C. Gish, Sunnyvale, CA Thomas J. Schall, Menlo Park, CA Alain Vicari, Mountain View, CA Albert Zlotnik, Palo Alto, CA	

1 2	Involved Patent:	6,723,520 issued from Application 10/039,659, filed January 3, 2002
3	Title:	Mammalian Chemokine Reagents
4	Assignee:	No assignment of record
.5	The senior party is ass	signed exhibit numbers 1001-1999. The junior party is
6	assigned exhibit numbers 20	01-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The
7	senior party is responsible for initiating settlement discussions. SO ¶ 126.1.	
8	Part E. Count and claims of the parties	
9		Count 1
10	A method for detecting a	polypeptide selected from chemokine β-15 or TECK
11	in a biological sample comprising contacting the biological sample with an	
12	antibody or fragment thereof that specifically binds to a polypeptide defined by (1)	
13	Seq. ID No. 2 of Application 11/537,681 or (2) Sequence ID No: 4 of Patent	
14	6,723,520 or (3) an antigenic fragment of (1) or (2) to form a complex and	
15	detecting the complex.	
16	The claims of the part	ies are:
17	Application 11	/537,681: Claims: 19-44
18	Patent 6,723,52	0: Claims: 1-22
19	The claims of the part	ies that correspond to Count 1 are:
20	Application 11	/537,681: Claims: 19-44
21	Patent 6,723,52	0: Claims: 1-22
22	The claims of the part	ies that do not correspond to Count 1, and therefore are
23	not involved in the interfere	nce, are:
24	Application 11	/537,681: Claims: None
25	Patent 6,723,52	0: Claims: None

	•2	
The parties are accorded the following benefit for Count 1: Human Genome Sciences, Inc.: None Wang et al.: None Part F. Heading to be used on papers The following heading must be used on all papers filed in this interference		
Human Genome Sciences, Inc.: None Wang et al.: None Part F. Heading to be used on papers The following heading must be used on all papers filed in this interference	1	Benefit
Wang et al.: None Part F. Heading to be used on papers The following heading must be used on all papers filed in this interference	2	The parties are accorded the following benefit for Count 1:
Part F. Heading to be used on papers The following heading must be used on all papers filed in this interference	3	Human Genome Sciences, Inc.: None
The following heading must be used on all papers filed in this interference	4	Wang et al.: None
	5	Part F. Heading to be used on papers
	6	The following heading must be used on all papers filed in this interference,
7 see SO ¶ 106.1.1:	7	see SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party* @.

By: *Counsel Name(s)* @ *Address* @

(@@@) @@@- @@@@ (telephone)
(@@@) @@@- @@@@ (facsimile)

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Part G. Order form for requesting file copies

- When requesting copies of files, use of SO Form 4 will greatly expedite
- 3 processing of the request. Please attach a copy of Parts D and E of this
- 4 DECLARATION with a hand-drawn circle around the patents and applications for
- 5 which a copy of a file wrapper is requested.

/Richard E. Schafer/ Administrative Patent Judge

Enc:

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Copy of STANDING ORDER Copy U.S. Patent 6,723,520 Copy of claims of Application 11/537,681

cc (via overnight delivery):

Attorney for Human Genome Sciences Inc.

Mark J. Hyman, Esq. Human Genome Sciences Inc. Intellectual Property Dept. 14200 Shady Grove Road Rockville, MD 20850

Attorney for Wang et al.

Sheela Mohan-Peterson, Esq DNAX Research, Inc. 901 California Avenue Palo Alto, Ca 94304-1104